The ink was barely dry on the Bill of Rights before politicians found a way to subvert it—by cashing in on fear and patriotic hysteria. In 1798, the ruling Federalist Party knew that the button to push was ethnic and cultural prejudice. Exploiting tensions between France and the U.S., and a widespread fear that French and Irish immigrants were somehow intrinsically unfit to be Americans, the Federalists passed a set of laws that have come to be known as the Alien and Sedition Acts.

One law that upped the residency requirement for citizenship from five to 14 years. (Citizens of French and Irish origin usually voted for the opposition, Thomas Jefferson’s Democratic-Republican Party.) The Alien Act gave President John Adams the power to deport any foreigner who aroused his suspicions. Making the President nervous, said a member of Congress, “is the new crime.” Jefferson believed the Alien Act had been framed particularly to expel C. F. Volney, the French historian and philosopher; Pierre Samuel du Pont de Nemours, patriarch of the famous chemical family; and the British scientist Joseph Priestley, the discoverer of oxygen and an intellectual antecedent of James Clerk Maxwell. In Jefferson’s view, these were just the sort of people America needed.

The Sedition Act made it unlawful to public “false or malicious” criticism of the government or to inspire opposition to any of its acts. Some two dozen events, ten people were convicted, and many more were censored or intimidated into silence. The act attempted, Jefferson said, “to crush all political opposition by making criticism of Federalist officials or policies a crime.”

As soon as Jefferson was elected, indeed in the first week of his presidency in 1801, he began pardoning every victim of the Sedition Act because, he said, it was as contrary to the spirit of American freedoms as if Congress has ordered us to all fall down and worship a golden calf. By 1802, none of the Alien and Sedition Acts remained on the books.

From across two centuries, it’s hard to recapture the frenzied mood that made the French and the “wild Irish” seem so grave a threat that we were willing to surrender our most precious freedoms. Giving credit for French and Irish cultural triumphs, advocating equal rights for them, was in effect decried in conservative circles as sentimental—unrealistic political correctness. But that’s how it always works. It always seems an aberration later. But by then we’re in the grip of the next hysteria.

Those who seek power at any price detect a societal weakness, a fear that they can ride into office. It could be ethnic differences, as it was then, perhaps different amounts of melanin in the skin; different philosophies or religions; or maybe it’s drug use, violent crime, economic crisis, school prayer, or “desecrating” (literally, making unholy) the flag.

Whatever the problem, the quick fix is to shave a little freedom off the Bill of Rights. Yes, in 1942, Japanese-Americans were protected by the Bill of Rights, but we locked them up anyway—after all, there was a war on. Yes, there are Constitutional prohibitions against unreasonable search and seizure, but we have a war on drugs and violent crime is racing out of control. Yes, there’s freedom of speech, but we don’t want foreign authors here, spouting alien ideologies, do we? The pretexts change from year to year, but the result remains the same: concentrating more power in fewer hands and suppressing diversity of opinion—even though experience plainly shows the dangers of such as course of action.